

### **REMARKS**

The Office Action dated April 4, 2006, has been received and carefully noted. Applicants respectfully request reconsideration of this application in view of the following remarks, which Applicants submit as a full and complete response thereto.

By this response, Claim 1 has been amended. Thus, Claims 1-15 are currently pending in the application and subject to examination. The Applicants submit that no new matter has been added.

#### **Rejection Under 35 U.S.C. § 112**

Claim 1 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention.

The Applicants have amended Claim 1 responsive to this rejection. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection.

#### **Rejection Under 35 U.S.C. § 102(b)**

Claims 1-15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Machii et al. (U.S. Patent No. 6,324,467). To the extent this rejection remains applicable to the claims currently pending, the Applicants respectfully traverse the rejection.

Claim 1 recites a navigation system comprising at least one navigation apparatus and at least one server apparatus, wherein the navigation apparatus comprises a communication controller for controlling communication with the server apparatus, a current location detector for detecting a current location, a map information memory for

storing map information, a display for displaying map information and the current location, and a controller for calculating a planned travel route and for controlling the communication controller, the current location detector, the map information memory, and the display, the server apparatus reads out map information from a database and transmits the map information to the navigation apparatus, the communication controller of the navigation apparatus transmits to the server apparatus the current location, a destination location, and an area of the map information stored in the memory. The server apparatus receives the current location, the destination location, and the area of the map information stored in the map information memory, calculates one or more preliminary travel routes from the current location to the destination location, sets, respectively for the preliminary travel routes, preliminary passage locations within the area of the map information stored in the navigation apparatus, and transmits the preliminary passage locations to the navigation apparatus, the communication controller of the navigation apparatus receives the preliminary passage locations, and the controller calculates, respectively for the preliminary passage locations, planned travel routes thereto from the current location, and one of the preliminary passage locations is selected.

The Applicants submit that Machii fails to disclose or suggest all the elements of Claim 1. Specifically, Machii fails to teach or suggest at least the combination of “the communication controller of the navigation system transmits to the server apparatus the current location, a destination location, and an area of the map information stored in the

memory,” and a server apparatus that “calculates one or more preliminary travel routes from the current location to the destination location,” as recited in amended Claim 1.

The Office Action cites element 203 of Figure 2 of Machii as allegedly teaching “the communication controller of the navigation system transmits to the server apparatus the current location, a destination location, and an area of the map information stored in the memory.” However, Machii merely teaches, “[a]t a step 203, the position of the vehicle 1305 and the literal information on the destination are transmitted to the server 1302 by using the communication unit 109” (see Machii, col. 6, lines 27-29).

Accordingly, Machii fails to teach the transmission of “the area of the map information stored in the map information memory,” as recited in amended Claim 1. As a result, the server apparatus of Machii does not grasp the map information currently stored in the navigation apparatus, and the server must again transmit the map information already existing in the navigation apparatus (see Machii, Fig. 2, step 211), which involves unnecessary transmission.

The Office Action also cites element 209 of Figure 2 of Machii as allegedly teaching a server apparatus that “calculates one or more preliminary travel routes from the current location to the destination location.” However, Machii merely teaches, “[a]t a step 209, information on a route leading to the determined destination is computed.” In Machii, only one travel route is calculated, in contrast to the present invention, which calculates “one or more preliminary travel routes from the current location to the

destination location.” Thus, the navigation apparatus of the present invention permits an optimal travel route to be selected from among a plurality of planned travel routes.

Accordingly, the Applicants submit that Machii fails to disclose or suggest all the elements of Claim 1.

Claim 2 recites a navigation apparatus comprising, among other features, a communication controller that receives from the server apparatus, map information of a predetermined area that is not stored in the map information memory, and stores the received map information in the map information memory, transmits to the server apparatus, the passage location of which the current location has come within the predetermined distance and an area of the map information stored in the map information memory, and receives, from the server apparatus and based on one or more preliminary travel routes from the passage location of which the current location has come within the predetermined distance to a destination location as calculated by the server apparatus, next preliminary passage locations set, respectively for the preliminary travel routes, within the area of the map information stored in the map information area.

The Applicants submit that Machii fails to disclose or suggest all the elements of Claim 2. As discussed above with respect to Claim 1, Machii fails to disclose or suggest a controller that “transmits, to the server apparatus, the passage location of which the current location has come within the predetermined distance and an a area of the map information stored in the map information memory,” and “receives, from the server apparatus and based on one or more preliminary travel routes from the passage

location of which the current location has come within the predetermined distance to a destination location as calculated by the server apparatus.” Accordingly, Machii fails to disclose or suggest all the elements recited in Claim 2.

Claim 3 recites a navigation apparatus comprising, among other features, a communication controller that transmits, to the server apparatus, the current location, a destination location, and an area of the map information stored in the map information memory, and receives, from the server apparatus and based on one or more preliminary travel routes from the current location to the destination location as calculated by the server apparatus, preliminary passage locations set, respectively for the preliminary travel routes within the area of the map information stored in the map information memory, the controller calculates, respectively for the preliminary passage locations, planned travel routes thereto from the current location.

The Applicants submit that Machii fails to disclose or suggest all the elements of Claim 3. As discussed above with respect to Claim 1, Machii fails to disclose or suggest a communication controller that “transmits, to the server apparatus, the current location, a destination location, and an area of the map information stored in the map information memory,” and “receives, from the server apparatus and based on one or more preliminary travel routes from the current location to the destination location as calculated by the server apparatus.” Accordingly, Machii fails to disclose or suggest all the elements recited in Claim 3.

Claim 10 recites, among other features, a server apparatus that reads out map information from a database and transmits the map information to a navigation

apparatus, wherein when the server apparatus receives, from the navigation apparatus, a current location, a destination location, and an area of map information stored in the navigation apparatus, the server apparatus calculates one or more preliminary travel routes from the current location to the destination location, sets, respectively for the preliminary travel routes, preliminary passage locations within the area of the map information stored in the navigation apparatus.

The Applicants submit that Machii fails to disclose or suggest all the elements of Claim 10. Similarly to as discussed above with respect to Claim 1, Machii fails to disclose or suggest, “when the server apparatus receives, from the navigation apparatus, a current location, a destination location, and an area of map information stored in the navigation apparatus,” and “the server apparatus calculates one or more preliminary travel routes from the current location to the destination location. Accordingly, Machii fails to disclose or suggest all the elements recited in Claim 10.

Claim 12 recites a navigation apparatus that guides along a travel route from a start location to a destination location by using map information received by a server apparatus, wherein the navigation apparatus has a capability of displaying a list of different combinations of data amounts or scale factors of the received map information and previously selecting one of the combinations from the list.

The Applicants submit that Machii fails to disclose or suggest all the elements of Claim 12. Specifically, Machii fails to disclose or suggest at least a navigation apparatus that “has a capability of displaying a list of different combinations of data

amounts or scale factors of the received map information and previously selecting one of the combinations from the list," as recited in Claim 12.

The Office Action cites col. 10, lines 25-37, col. 11, lines 33-49, and col. 12, lines 5-12 as allegedly teaching this element. However, neither the cited lines nor any other portions of Machii teach or suggest "a capability of displaying a list of different combinations of data amounts or scale factors of the received map information and previously selecting one of the combinations from the list," as recited in Claim 12.

Accordingly, the Applicants submit that Machii fails to disclose or suggest all the elements of Claim 12.

To qualify as prior art under 35 U.S.C. § 102(b), a single reference must teach, i.e., identically describe, each feature of a rejected claim. For the reasons provided above, Applicants respectfully submit that Machii does not teach or suggest each and every feature recited by Claims 1, 2, 3, 10, and 12. Accordingly, Claims 1, 2, 3, 10, and 12 are not anticipated, nor rendered obvious in view of, Machii.

As such, Applicants respectfully submit Claims 1, 2, 3, 10, and 12 should be deemed allowable.

As Claims 1, 2, 3, 10, and 12 are allowable, the Applicants submit that Claims 4-9, 11, and 13-15, which depend from one or more of Claims 1, 2, 3, 10, and 12, are allowable for at least the same reasons Claims 1, 2, 3, 10, and 12 are allowable, as well as for the additional subject matter recited therein.

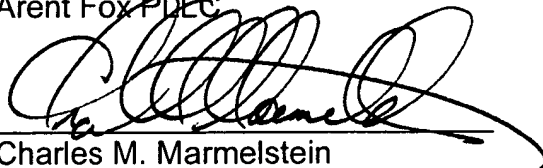
## Conclusion

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event that this paper is not considered to be timely filed, an appropriate extension of time is requested. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account Number 01-2300, referencing Docket Number 103213-00090.

Respectfully submitted,

Arent Fox PLLC

A handwritten signature in black ink, appearing to read 'Charles M. Marmelstein', written over a horizontal line.

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